

Group I: Claims 1, 3, 8 and 10, characterized by the Office Action as being “drawn to an apparatus and method for displaying other vehicle position at own vehicle based upon a setting state”;

Group II: Claims 2 and 9, characterized by the Office Action as being “drawn to an apparatus and method for transmitting and displaying own position at another vehicle based upon a setting state”;

Group III: Claims 4, 5, and 11, characterized by the Office Action as being “drawn to a system and method for transmitting own vehicle position information via a communication service center for reception and display at another vehicle”;

Group IV: Claims 6 and 12, characterized by the Office Action as being “drawn to a system and method for receiving, via a service communication center, and displaying another vehicle position at own vehicle”; and

Group V: Claims 13 and 14, characterized by the Office Action as being “drawn to an apparatus for determining own position and selectively transmitting the own position”.

The Office Action considers that the inventions of Groups I-V are distinct from one another because they are subcombinations disclosed as usable together in a single combination, but also separately usable, as stated at pages 2-4 of the Office Action.

Applicants note that the Office Action did not include pending claim 7 in any of its Groups I-V. Applicants respectfully submit that it appears that claim 7 should be included in Group IV, as claim 7 depends from independent claim 6.

In light of the restriction requirement, Applicants provisionally elect, with traverse, to proceed with the examination of the claims of Group I, claims 1, 3, 8 and 10.

Applicants respectfully traverse this restriction requirement for the following reasons.

MPEP § 803 states that the two criteria for a proper requirement for restriction between patentably distinct inventions are (1) the inventions must be independent or distinct as claimed, and (2) there must be a serious burden on the Examiner if restriction is required.

Because the Examiner has already performed an examination on the merits and has issued a substantive Office Action dated August 22, 2002 rejecting claims 1-7, Applicants respectfully submit that they do not believe that there is a serious burden on the Examiner. More particularly, Applicants respectfully submit that the Examiner has already examined on the merits each of claims 1-7, which comprise portions of the Office Action's alleged Groups I, II, III and IV. Moreover, Applicants point out further that claims 1-7 were not amended in the Amendment filed on November 22, 2002. Thus, Applicants respectfully submit that it appears that the instant Restriction Requirement has issued in error as claims 1-7, comprising portions of each of the Office Action's alleged Groups I, II, III and IV, have already each been examined in their current form. Accordingly, Applicants request that the restriction requirement be withdrawn and all pending claims examined in accordance with MPEP § 803.

EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required,

including any required extension of times fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

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Dated: April 14, 2003
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